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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,533	08/31/2001	Howard M. Marks	KONAMI01-07	8528

7590 06/04/2003
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EXAMINER

WHITE, CARMEN D

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 06/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,533

Applicant(s)

MARKS ET AL.

Examiner

Carmen D. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-12 and 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9, 16 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Line 3 of claim 9 recites "value/number of active coordinates". The terms "value" and "number" can be interpreted as different means of measurement. Applicant needs to use the words "and" or "or" instead of a slash (/) to make this limitation clear.

Similarly, claims 16 and 19 recite "(V)/number" in lines 3 and 4, respectively.

Claim Objections

Claims 1-4 and 7-12 are objected to because of the following informalities: line 17 of the claims (see claim 1) recites "to issue an on-screen a bonus award". There appears to be a typographical error in this passage of the claim. The examiner suggests omitting "a". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-12 and 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrie (5,833,537) in view of Mattice et al (6,454,649).

Regarding claims 1-2, 7, 14-15 and 18, Barrie teaches an electronic apparatus for playing a casino game that comprises a display; a data structure storing data corresponding to game symbols and winning symbol combinations; a processor to control the display and an input device to prompt the processor for each play of successive hands {rounds}, when prompted said processor configured to randomly select and assign game symbol data from said data structure to the coordinates in a displayed X by Y game matrix and to display said corresponding symbol to activate and to maintain any activated coordinate {persistent symbols} activated through said successive hands {rounds} until de-activation thereof; said processor configured to compare selected game symbol combinations assigned into the game matrix to said data stored in said data structure to determine the presence of any winning game symbol combinations; said processor configured to issue an award {payout} for obtaining a winning combination; and said processor configured to issue an on-screen multiplied payout when a game symbol designated as triggering symbol {red ball symbol- col. 3, lines 50-51} is selected and assigned to an activated coordinate having said triggering symbol assigned thereto; and said processor configured to maintain activated coordinates active through said successive hands {rounds} until a particular event occurs (abstract; col. 2, lines 8-15, lines 29-30; col. 3, lines 19-52). While Barrie teaches the triggering of a game with an increased payout, which the examiner has interpreted as a bonus game event, Barrie is silent regarding the explicit disclosure of

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deactivating the bonus symbol when an on-screen bonus is issued. In an analogous gaming system, Mattice teaches a bonus event, with bonus symbol coordinates, that is terminated upon the issuance of a bonus award (Fig. 3- bonus gaming terminates upon issuance of a bonus prize and the normal game loop starts over). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the bonus termination feature of Mattice in Barrie, as the particular event of deactivation, in order to decrease the monetary losses to the gaming establishment; thereby allowing the establishment to be able to continue to offer bonus payouts to more patrons of the gaming apparatus.

Regarding claims 3-4 and 19-21, Barrie and Mattice teach all the limitations of the claims as discussed above. Barrie further teaches the display of an indicator {a ring around the symbol} at any activated coordinate (Fig. 1, #124a, #124b and #124c).

Regarding claims 8-12 and 16-17, Barrie and Mattice teach all the limitations of the claims as discussed above. Barrie further teaches the features different award values and multiplied award values being assigned to at least two bonus triggering symbols {persistent symbols} (col. 4, lines 25-32

Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baerlocher et al (6,561,900) teaches bonusing in a gaming device.

Examiner's Response

Applicant's arguments with respect to the instant claims have been considered but are moot in view of the new ground(s) of rejection. The examiner has introduced the Barrie reference, see above, to better teach Applicant's instant claim limitations.


USPTO Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for Non-official communications and 703-305-3579 for Official communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.


cdw


S. THOMAS HUGHES
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